UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

v. 20 Cr. 623 (LGS)

WILLIE DENNIS,

Defendant.

Remote Conference
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New York, N.Y.
June 28, 2022
4:05 p.m.

Before:

HON. LORNA G. SCHOFIELD,

District Judge

APPEARANCES

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
BY: MARGUERITE COLSON
Assistant United States Attorney

DAVID E. PATTON
Federal Defenders of New York, Inc.
Attorney for the Defendant
NEIL KELLY
JENNIFER BROWN

(The Court and all parties present remotely; case called)

MS. COLSON: Good afternoon, your Honor. For the United States, Assistant U.S. Attorney Marguerite Colson. And with your Honor's permission, joining me in my office is one of our interns, Nathaniel Chalk.

THE COURT: That's fine. Good afternoon. Good afternoon, Mr. Chalk.

MR. CECUTTI: Good afternoon, your Honor. Neil Kelly, Federal Defenders of New York. With me is Jennifer Brown on the Zoom, and Mr. Dennis is also joining by Zoom as well.

THE COURT: OK. Good afternoon, Mr. Kelly.

And good afternoon, Mr. Dennis.

And I'm sorry, who is with you Mr. Kelly?

MR. KELLY: Ms. Brown is also on the Zoom.

THE COURT: Good afternoon, Ms. Brown.

MR. CECUTTI: Good afternoon, your Honor. This is Anthony Cecutti. I'm CJA counsel, and I'm on duty today.

THE COURT: OK. Thank you.

All right. So we are here in the case of United States v. Willie Dennis in response to Mr. Dennis's request to proceed *pro se* and waive his right to counsel.

First, as you can all tell, we're proceeding here by videoconference, and I want to make sure, Mr. Dennis, that you can see me and you can hear me.

THE DEFENDANT: Yes, your Honor, I can see you, and I can hear you well. Thank you.

THE COURT: All right. So if at any point you can't see or hear me, would you please just let me know, and we'll remedy that as quickly as we can.

THE DEFENDANT: OK. Your Honor, one question I have.

THE COURT: Yes.

THE DEFENDANT: There's a gentleman who introduced himself earlier; said he was with CJA, I believe it was.

THE COURT: Yes.

THE DEFENDANT: Can -- he's never been part of the process before, so --

THE COURT: Sure. I'm happy to explain that. I'll explain it a little more down the line, but let me just clarify that.

I've asked Mr. Cecutti to be present because he's on the CJA panel, which is a panel of criminal defense lawyers who are vetted by the court and who are available to be appointed not only as counsel, but also as what's called standby counsel. And sometimes *pro se* litigants elect to have standby counsel. I can explain more what the role of standby counsel is if you're interested in that, but we'll get to that in a minute. That's why Mr. Cecutti is here.

THE DEFENDANT: Thank you, your Honor.

THE COURT: Sure. So as you all know, but I'll say

this really for Mr. Dennis's benefit, what we're doing right now is just establishing that it's OK to proceed by video. Normally, we are required to proceed in person, and you have the right, Mr. Dennis, to have this proceeding be in person. And in order for us not to proceed in person, there are certain things that I need to establish on the record, so that's what I'm doing right now.

So as I said, you have the right to be physically present for this and for any other proceeding, but I understand from Mr. Kelly that you had requested that we proceed remotely, in part because you're in Florida and partly because of a family member has health issues, is that right?

THE DEFENDANT: That's correct, your Honor. Thank you.

THE COURT: All right. So based on that, I find that the proceeding cannot be further delayed without serious harm to the interest of justice for the reasons that I just said, and also because the trial was scheduled to begin in three months with the first pretrial submissions due in early August. And obviously, we need to resolve the representation issues, or not, of Mr. Dennis. So the sooner the better, and that's why we're here.

So let's move on to our next step. We're here in response to Mr. Kelly's June 3 letter stating that Mr. Dennis no longer seeks representation, specifically by the Federal

Defenders, and that he wishes to proceed *pro se* and waive his right to counsel.

Is that right, Mr. Dennis?

THE DEFENDANT: Yes, your Honor, that's right. I don't think it goes into all the details of why I'm -- I think one of the biggest issues of why I'm looking to represent myself is because the discovery process has not gone at the pace in which I think it would ordinarily in cases like this, and I think that, as a result of that, I've been -- I've lost -- it's been to my material disadvantage that I haven't been able to receive information and material at this -- being so long into the case.

THE COURT: I understand. So I just wanted to establish that I understood and that I understand what your desire is. So having established that, what you're trying to do is represent yourself. I --

THE DEFENDANT: Your Honor, can I ask you one question?

THE COURT: Yes.

THE DEFENDANT: I submitted a list of reasons why I wanted to change counsel. It was very detailed. And I didn't have your -- access to you or your staff, and *pro se*, I had to wait. But did you receive that? I asked --

THE COURT: I did receive it. And actually, I've received a number of materials from you, either that came to my

chambers by regular mail or that were submitted to the government and then forwarded to me.

But what I really want to do is focus -- I have a plan and a way that we need to proceed in order for me to comply with the requirements, and so in an instance where someone wants to represent themselves -- I mean, you have a constitutional right to do that. You don't -- in some sense you don't have to justify it to me, but the reason we're here is I can't let that happen unless I know that your decision is knowing and voluntary and that you understand the risks of proceeding on your own and the consequences of proceeding on your own and also that it's completely voluntary; that you haven't been pressured and coerced in some way to proceed this way. I'm just required as a matter of law to do that, and that's the purpose of the proceeding today.

Is that clear?

THE DEFENDANT: Yeah, I just wanted to make sure that -- I think that in the writings that I sent it gives very logical reasons, and it clearly shows why there was no pressure involved, why after being a member of the bar for 30 years, this is a well thought out plan is for me to represent myself. It didn't -- you know. So I thought that those letters articulated and have been articulating different issues that have been arising that have been detrimental to me and my case.

THE COURT: I understand what you're saying, but,

frankly, just as a legal matter, even if your reasons were totally irrational, you have a constitutional right to counsel, but you also have a right to reject that. So while I understand that you've submitted reasons, it's really not my place to evaluate them because you have a right to proceed in the way you think is best. But part of what I want to do today is just make sure you understand the full ramifications of doing that.

So before we do all of that, I have to establish your competence. Frankly, you seem perfectly competent to me, but there are questions that traditionally judges ask to do that. So that's what I'm going to do now.

First, before I do that, I'd like to remind you of two things before you speak. First, you've heard this before. You have the right to remain silent, and if you choose to speak, any statements you make could be used against you. That's the first thing.

And the second, as an attorney, I'm sure you're familiar with the attorney-client privilege. And that privilege protects from disclosure to me or to third parties, like the government, communications between you and Federal Defenders, specifically Mr. Kelly, but people who have been acting as your lawyers. And that privilege covers confidential statements between you and Federal Defenders, either made by you or made by them, in connection with providing you with

legal advice. If you were to say something that divulged those communications, then you very well could be waiving the attorney-client privilege, and the consequence could be that you could be waiving it as to other communications or things you've said that you would rather keep confidential.

So what I'm going to suggest is that you not divulge, to the extent that you haven't already, any further communications between yourself and Federal Defenders, just to protect the attorney-client privilege and the confidentiality accorded to your prior communications.

Understood?

THE DEFENDANT: Yes, your Honor.

THE COURT: So the next thing that traditionally happens, and I'm going to do it here, is that I'm going to ask Mr. Street, who is my courtroom deputy, to place you under oath so that I can ask you some questions to confirm that you are competent to proceed today.

So, Mr. Street, will you do that.

THE DEPUTY CLERK: Yes, your Honor.

(Defendant sworn)

THE DEFENDANT: Yes, I do, Mr. Street.

THE COURT: So you are under oath now, which means that if you answer any of my questions falsely, your statements could be used against you in a separate action for perjury or making false statements.

So my first question is, please tell me your full name.

THE DEFENDANT: Willie Eugene Dennis.

THE COURT: How old are you?

THE DEFENDANT: I'm 60 years of age.

THE COURT: Where were you born?

THE DEFENDANT: Queens, New York.

THE COURT: All right. How far did you go in school?

THE DEFENDANT: Law school. Completed law school.

THE COURT: Where did you get your law degree?

THE DEFENDANT: Columbia University Law School.

THE COURT: When was that?

THE DEFENDANT: 1988.

THE COURT: All right. Are you currently licensed to practice law?

THE DEFENDANT: Yes, I am.

THE COURT: Could you briefly summarize your employment experience as a lawyer.

THE DEFENDANT: Yeah. When I -- when I graduated from law school, I began my career at firm Orrick Harrington & Sutcliffe where I was there for approximately three years, and then I joined the firm of Mudge Rose Guthrie Alexander Ferdon, and I practiced there until that firm actually closed, which was roughly 1995, 1996. I then joined the firm of Camhy Karlinsky & Stein and was there until the

firm split up, and then I joined as a partner at Akin Gump. Following years at Akin Gump, I was at Thelen Reid, which is another firm that's no longer. I had a real good track record here of picking winners. And then I went to K&L Gates.

THE COURT: OK. What was your area of practice?

THE DEFENDANT: I was a corporate attorney advising large and small multinational companies on debt deals, equity deals, as well as being a general adviser to them on their litigation matters, their labor and employment matters.

THE COURT: OK. So you were a transactional lawyer?

THE DEFENDANT: Yes, your Honor.

THE COURT: Are you currently or have you recently been under the care of a physician, a psychiatrist, or a psychologist?

THE DEFENDANT: Well, I've actually -- because this has been an ongoing process, I've been seeing for a number of years now, I'm currently, you know, with a therapist.

THE COURT: And is there anything about your, for lack of a better word, mental condition that impedes your ability to understand what we're doing today?

THE DEFENDANT: My mother might say so. But, I mean, I'm down here taking care of my parents, but I don't -- I don't think that there's anything that -- there's nothing that I'm aware of or anyone else.

THE COURT: So you understand what we're doing here?

THE DEFENDANT: Yes.

THE COURT: OK. And you're fully capable of making decisions, is that right?

THE DEFENDANT: That's correct, your Honor.

THE COURT: And within the past 24 hours, have you used or taken any alcohol, drugs, or medication that might interfere with your ability to participate in our proceedings?

THE DEFENDANT: No, I have not, your Honor.

THE COURT: All right. Is your mind totally clear today?

THE DEFENDANT: Yes, it is, your Honor.

THE COURT: OK. So based on your answers to my questions and your demeanor, I am comfortable that you are fully competent to proceed today in these proceedings.

So now what I'd like to do now is, because you say you'd like to represent yourself, I need to be sure that you understand your rights and the rights you'd be giving up by representing yourself, and I also want to be sure you understand the demands and risks of representing yourself. I understand you're an attorney. If there's anything about what I'm saying that you already know, please bear with me. It's something that I have to assure myself of. And by all means, if there's anything you don't understand that I'm saying, please feel free to ask me.

So the first thing is that you have a right under the

Constitution to have an attorney represent you at trial, and if you can't afford an attorney, one would be appointed to represent you.

Do you understand that?

THE DEFENDANT: Yes, I do, your Honor.

THE COURT: All right. You also understand that, conversely, you have the right to represent yourself in this criminal case, including at trial?

THE DEFENDANT: Yes. Yes, your Honor.

THE COURT: OK. So would you mind telling me, only because I think it's not entirely clear, at least to me, I understand that you don't want to be represented by Federal Defenders and by Mr. Kelly and that you have had issues with the representation. But in cases where that happens -- and I don't mean with Federal Defenders. I mean from time to time the relationship between a client and an appointed attorney doesn't work out, and then typically the client says I would like a different lawyer, and a different lawyer is appointed to represent the client. And you have not chosen to go that route, and I just wanted to explore why that is.

THE DEFENDANT: I think, your Honor, in part it's because of my personal familiarity with the case and the facts that are before us. I mean, I've actually been living this for about three, four years now. And during the period in which I was -- I became aware of the most recent complaint -- this is

not the first complaint by my firm against me, the most recent complaint in November of 2021, because there was actually a -- actually, the October complaint, prior to that there was a complaint that was made against me with the District Attorney's Office in May of 2020, and that case was dismissed based on similar facts and circumstances. So as a result of that, I got a lot of -- I became very aware of the charges that were made and the arguments that needed to be made to defeat them in that case alone.

I didn't find out that this was going on, as I pointed out, until November of 2021, that this had actually been brought to the federal courts. And so it caught me by surprise, and I wasn't sure if this was new charges or were they similar to the charges that were made before the District Attorney's Office in the city of New York under Cyrus Vance, when he was District Attorney. And during the months since November through May of this year, I realized that these -- after looking at them and getting the information that I did, I realized they were the same charges, more or less. Same set of facts. So I became very comfortable with, based on my prior records and talking to my prior attorneys, that same charges, you make the same arguments that you're making now -- that you made then, you make now. It's be consistent. That's what you said then; that's what you say now. And then it should -- they feel it should prevail.

So I do have a kitchen cabinet of prior lawyers who have been -- who represented me before the District Attorney's Office who are advising me, you know, sort of, in terms of how to proceed against these recent charges. So it's not -- so there's a familiarity with them.

THE COURT: Well, let me ask you this: One of the things that I wanted to clarify first is although the charges may be similar factually, understand these are federal charges with the implications that come with that. I mean, they are different charges under a different statute, but they may be based on the same facts. I don't know if they are. It's not really that relevant right now.

But what I hear you saying is that you feel that you're familiar with the facts and the possible defenses, and so it's because of that you want to proceed without representation in this matter, is that right?

THE DEFENDANT: Familiar with the charges and, I should add, I believe once I get the disclosures that I'm required to receive, it will then -- that's why I want to proceed, yes.

THE COURT: So I guess one of the questions, then, still is unclear to me. Just apart from your familiarity with the facts -- and we can go through this in a minute -- there's a lot that needs to be done in the act of lawyering at trial besides being familiar with the facts. I guess one of the

things that I would urge you to think about is whether it would be helpful to have a lawyer represent you so that they can bring those skills to bear at trial in a way that you wouldn't be able to because you're not a criminal defense lawyer.

THE DEFENDANT: That makes certainly something -- yeah, one of the things I wanted to do, your Honor, I haven't had -- they wouldn't -- I couldn't do before was talk to the *pro se* office of the Southern District, because I've been told by people that they're very helpful. And so my thought was, given my experience with the facts and with the case and working with the *pro se* department, which I've heard that they're phenomenal, that that would be the way to start.

THE COURT: Well, let's explore that. I understand that that is something of interest, and I have only good things to say about our *pro se* office. But in the same way that a standby lawyer wouldn't be able to stand up in court and represent you at trial, the people in the *pro se* office wouldn't represent you.

I think you probably understand that the real challenge here has to do with courtroom and courtroom skills in trying a criminal case. And it's often said as a joke, but I'll repeat it, and I don't mean it entirely as a joke, but the old saying about a fool for a client is sometimes the person who represents himself. They say it about doctors, too. A fool for a patient is the doctor who cares for himself. Now,

I'm not going to presume to suggest -- well, let me proceed with what I have prepared to say, and we can continue to talk about some of these things.

So I want to confirm -- I think I know the answer. I don't think you've ever represented anyone in a criminal proceeding, is that right?

THE DEFENDANT: No, I have not, your Honor.

THE COURT: Have you ever seen a criminal trial?

THE DEFENDANT: No, I've seen one, yeah.

THE COURT: So I think it's fair to say that you would -- these would be new skills and new territory. I think you understand there's a lot at stake here. I'm sure you understand that you're charged with four separate accounts of cyberstalking.

And I wanted to ask Ms. Colson, what is the maximum sentence that Mr. Dennis faces? I think I know, but I want to make sure we're in agreement.

MS. COLSON: Your Honor, each of those four counts carries a maximum sentence of five years, for a total maximum term of 20 years' imprisonment.

THE COURT: OK. So supervised release, I assume, is three years to be imposed concurrently as the maximum.

MS. COLSON: Correct, your Honor.

THE COURT: And the fine?

MS. COLSON: 250,000 or the greater, pardon me, twice

any pecuniary loss to a person other than the defendant. I think 250,000 would be the operative number here.

THE COURT: OK. Plus a special assessment of $400?

MS. COLSON: Correct, your Honor, 100 per charge.

THE COURT: So in sum, the maximum penalty, Mr. Dennis, so what's at stake here, is a possible maximum of 20 years' imprisonment, three years' supervised release after any imprisonment, a fine of $250,000 plus $400 as a special assessment. That, of course, is the maximum, and that is only if you were convicted. But that is the biggest downside and that is what's at stake. I just want to make sure you understand that.

Is that clear?

THE DEFENDANT: Yes, your Honor, it's very clear.

THE COURT: So I also need to tell you that if you decide to represent yourself, I'm the judge, obviously, and so I can't advise you on how to try your case or how to make some of the decisions that you'll need to make. So what I'd like to do now is just describe for you -- I can't give you a comprehensive list, but I want to give you at least a pretty substantial list of some of the things that you will be called on to do if you decide to represent yourself. And we do have a transcript being made of these proceedings.

THE DEFENDANT: OK.

THE COURT: So it will all -- you're free to take

notes, but it's also being take down verbatim.

One of the things that you'll need to do is be familiar with the Federal Rules of Criminal Procedure and the Federal Rules of Evidence. And fairly soon, that is, in early August, you'll need to decide whether you want and whether it's in your interest to file pretrial motions, what's called motions *in limine*, which relate to evidentiary issues, is there evidence that you want to move to exclude under the Federal Rules of Evidence, and is there evidence that you think that you need to move now to get into evidence under the Federal Rules of Evidence.

Next, you'll also need to work collaboratively with the prosecutors to submit to the Court jointly proposed questions that I would ask potential jurors. You'd need to evaluate potential jurors when we get to trial in a process called voir dire and decide which jurors that you would try to seek for cause. You'd have to understand when it's legitimate to try to strike a juror for cause, and you'd have to determine which you should strike as part of your allotted peremptory challenges.

After you get past jury selection, you'd need to decide whether to make an opening statement. As you may know, criminal defendant, there's a presumption of innocence. So criminal defendant doesn't have any obligation to make a statement or to make any argument. The burden's entirely on

the prosecution. So the first decision after jury selection would be do you want to make an opening statement? Would that be helpful to you? Then if you chose to do that, then you, like the prosecutor, would be allowed to preview the evidence in an opening statement, but you wouldn't be allowed to make legal argument. And I would enforce that rule. So if you were making an opening statement and you strayed into the area of argument, I would tell the jury to disregard what you had said, which might affect their perception of you.

Then during the trial itself when witnesses were on the stand called by the government, it would be your responsibility to make objections based on the Rules of Evidence, like objections to hearsay or other inadmissible types of evidence. And then once witnesses have testified, you'd have the right to cross-examine each of them to test their perception or their memory or their motives or their bias, their truthfulness. And it takes some skill to cross-examine.

You'd also be required then to work collaboratively with the prosecutor to propose instructions on the law that I would review and then deliver to the jury. You'd have the right at the end of the trial, but no obligation again because of the presumption of innocence, to make a closing argument for acquittal. You'd also need to make the strategic decision whether to put on an affirmative case for your defense. Often

criminal defendants do not put on a case. Often criminal defendants do not take the stand, and that's because the burden is entirely the government's. But sometimes defendants make the decision to put on a case, and you'd have to make that strategic decision.

Then if you decided to go ahead and put on a defense case, you'd have to decide on the strategy of what witnesses to call, what documents you might want to put into evidence. There's a certain technique to questioning witnesses. You have to follow the Rules of Evidence. There's a technique to -- and rules about moving documents into evidence, and all of that is fairly technical. So that's basically getting you through the trial process.

So I want to make sure you understand that that's kind of the menu of, for lack of a better word, challenges that you would be faced within a trial.

Do you understand or do you have any questions about anything I just said?

THE DEFENDANT: Yes, I do have. I understand -- I have a couple questions.

THE COURT: Sure.

THE DEFENDANT: The one area that really I'm concerned about is you say that I have to work collaboratively with the prosecutors.

THE COURT: Right.

THE DEFENDANT: And so I guess the question -- the fact is that as of now the prosecutors have not been giving me the disclosure that I need in order to establish my case. I mean, you know, so I'm -- unless they're giving me *Brady* material and they're providing that to me so I can really -- if there's something providing, that shows that I should be acquitted, I need that sooner rather than later, and I need it before we get to the jury selection, before -- I really need that now because trial is so close.

THE COURT: I guess one of the things that I would say -- well, I know discovery -- you've raised it now twice, so let's talk about it. I think it's important. It's obviously something of concern to you.

So what I would like from the government is a report on Rule 16 discovery, on *Brady* disclosure, and your intentions as far as 3500 material and any other disclosure. And if you just pause after we talk about each one so that I can make sure that Mr. Dennis understands and has what he's entitled to.

THE DEFENDANT: And, your Honor, just one other thing I'd like to say. I, based on my prior case, my prior attorneys developed a list of questions which we have submitted and -- back in May. And so having -- those are the questions -- the answers to those questions, whether we don't have any information or we're not going to answer it or this is why, would go a long way towards me being able to evaluate the case.

So there's specific --

THE COURT: I guess one of the issues is -- and I'm jumping ahead of myself a little bit -- that criminal litigation is not like civil litigation. I know that you're not a litigator, so you're not intimately familiar with it either. But in civil litigation, both parties send each other requests for documents, and then they say, I don't have anything or I object or here it is, or whatever it is they say. And that isn't now criminal proceedings work.

In criminal proceedings, the government is obligated, basically, to turn over what it has as far as discovery, and it's required to turn over what it has as far as exculpatory material, but it has no obligation to go out and subpoena or demand documents from any other parties that it doesn't have in its possession. It's up to you and your attorneys to subpoena that from those third parties.

So let's hear from Ms. Colson. I want to understand what's happened so far.

THE DEFENDANT: OK. The only thing I'll add is that the list that we sent was actually a list prepared by the Federal Defenders.

THE COURT: OK.

THE DEFENDANT: So my attorney -- my attorney just added questions on to that.

THE COURT: OK.

THE DEFENDANT: My prior attorneys. OK.

THE COURT: All right. Ms. Colson, go ahead.

MS. COLSON: Your Honor, taking those report categories in turn, Rule 16 discovery has been disclosed, save for our identified set of data in the defendant's iCloud account in his phone. Like the defendant's other accounts, those had to go through a privilege review which, in any case, takes some time, and in this case it was particularly time-consuming owing to the defendant claiming a very broad list of privilege. The privilege review was recently completed on both of those, and it's just undertaken our responsiveness review.

I'll note, your Honor, that all of the materials that we're talking about here are the defendant's own communications. So he is intimately familiar with them, arguably on a level that we are not familiar with them.

As to *Brady*, it's an ongoing --

THE COURT: Wait, wait, wait. I just want to slow down a little bit so we talk about each category.

As far as Rule 16 material, can you describe generally what's been provided.

MS. COLSON: Your Honor, I believe we've turned over communications from Mr. Dennis to various individuals, and as Mr. Dennis has noted, we have his phone which contains certain iCloud -- excuse me, we have his iCloud account and we have the

contents of his phone. Those are still undergoing review.

THE COURT: OK. So what --

MS. COLSON: But we have turned over various law enforcement reports, FBI 302s if they're known, and other Rule 16 material outside of those limited categories that I just described. Rule 16, in our view, is complete, save for those two categories.

THE COURT: When you say "save for," so basically what you've given to him, as I understand it, are communications between Mr. Dennis and particular individuals, some law enforcement files including FBI 302s, and the materials that have yet to be provided because they had to undergo both a privilege review and a relevance review are the contents of his, basically, iCloud account and the contents of his phone, although I would think everything on his phone is in his iCloud account.

MS. COLSON: Your Honor, yes, and I apologize. I am relatively new to the case, but there have been -- I'm looking at my file as we speak. There have been one, two, three, four, five -- six previous disclosures, and save for those two limited categories, we do think discovery is complete. We will, obviously, expeditiously review those two categories that have just been sort of cleared through the privilege review and then --

THE COURT: Do you have a time frame for producing

that material?

MS. COLSON: I don't, your Honor. I can check back with the law enforcement agents currently reviewing and update the Court as soon as we do have a time frame.

THE COURT: That would be great. If you could give me a letter within a week or so just telling me what the status is and your estimated date for production so that we can at least have all of the Rule 16 discovery finished.

MS. COLSON: Understood, your Honor. And I do reiterate that these are his communications. Presumably, he would know what they are.

THE COURT: Understood. But I can't swear I know everything that's in my phone. I assume Mr. Dennis is in the same boat.

So that's Rule 16 material. And then tell me other categories. Tell me about *Brady*. I know you understand what your obligation is under *Brady*, and just so Mr. Dennis understands, sounds like he knows, *Brady v. Maryland*'s basically exculpatory material.

So, Ms. Colson, tell me about *Brady* disclosures.

MS. COLSON: Your Honor, we understand that that's an ongoing obligation. To the extent we have come across any *Brady* material, it will have already been disclosed. Any *Brady* material that we would come upon would be expeditiously disclosed.

Then I believe the next category your Honor mentioned was 3500 material which would cover witness statements, and those will be disclosed at a time set by the government -- excuse me, set by the Court in advance of trial.

THE COURT: OK. Typically, I require that about two weeks in advance of trial, just so Mr. Dennis understands.

THE DEFENDANT: Your Honor, can I make one comment, because this is where I am confused?

THE COURT: Yes. OK.

THE DEFENDANT: The Federal Defenders prepared a list of questions that they quote/unquote said were *Brady* questions that we needed answers to that -- May 24, that list of questions. And so is the prosecutor saying she's responded to those questions already? Is that what I'm hearing?

THE COURT: I think she's fairly new to the case, but let me ask her.

MS. COLSON: I'll say only that we understand our *Brady* obligations, and so to the extent that this list of questions would have touched upon *Brady* material, we would have disclosed that material.

THE COURT: I'll just say that I saw in the materials that I reviewed from Mr. Dennis a list of questions, or what looked like document demands, really, but the reason I made the point I made before is if the government has materials that are pertinent to your case, they are required to turn them over.

But if they don't have them, if, for example, they're from K&L Gates, they're from Proskauer, they're from whomever, if they don't have those materials, then they don't have an obligation to go out and get them because you want them. It's your obligation --

THE DEFENDANT: Right.

THE COURT: -- to get the materials from a third party.

But let me just stop you there for a second. Let me just ask Mr. Kelly, who I know who's been intimately involved in this, and if I could just ask you, Mr. Kelly, you may know more than Ms. Colson since you've been in the case and she's new to the case.

MR. KELLY: Yes, your Honor. Two points I think I wold make in response to what's been discussed so far. First, it's my understanding that we, and Mr. Dennis, have the full production of electronic discovery materials. That the government's privilege review is more for their sake than for the defense's. So unless there was another set of materials that's forthcoming, when Ms. Colson before was describing materials to come through a privilege review, it's my understanding that we already have that.

THE COURT: In other words, you have all of those materials. On behalf of Mr. Dennis, you have all those materials. In other words, the contents of his phone and his

iCloud account, and it's really Ms. Colson who's waiting for the privilege and relevance review so that she knows what she's allowed to look at?

MR. KELLY: Correct, your Honor.

THE COURT: OK.

MR. KELLY: There is a small subset of attorneys' eyes only documents that are the indices for the FBI's case files. I've raised that with the government. To the extent Mr. Dennis proceeds *pro se*, they've represented that they're going to take some ameliorative steps to give him that information, but that is the only subset of material that I'm aware of. It's three indices to the FBI's case files. Other than that, my understanding is Mr. Dennis has everything the government has produced and has everything that's in the electronic discovery review process.

THE COURT: OK. That's helpful. You were going to say two things. What's the other one?

MR. KELLY: The second is I think there was some confusion, perhaps justifiably, between Mr. Dennis, the government, and perhaps the Court as to his discovery demands. Those were not served by our office. Mr. Dennis then indicated his desire to proceed *pro se*, and he then provided that material -- excuse me, those requests to the government directly.

I won't speak for the government as to whether they've

reviewed and responded to those as if they were discovery requests, but just so the record is clear, we had not served those. Then there was the intervening request by Mr. Dennis to proceed on his own. He then served those himself on the government. That is what I understand he's also provided copies of to the Court.

THE COURT: OK. That's helpful. Thank you.

So, Ms. Colson, I just direct your attention to those, and if you could deal with them in due course.

MS. COLSON: Understood, your Honor.

THE COURT: All right. So now tell me -- what I'd like to do now, Mr. Dennis, is proceed where I was, which was to ensure that you understand the challenges associated with proceeding on your own.

THE DEFENDANT: Right. I had one other question because you were mentioning how I can't discover things that's not in the possession of the government. I think I said to you there have been communications going on between Proskauer and the Department of Justice just this past week which led to them reaching out into my civil case and reaching out to the arbitrator in the civil case asking him, more or less, not to lift a stay.

So in that instance where Proskauer has talked to the government and says, Willie Dennis is trying to lift his stay in his civil case, and we don't think he should, the government

has then -- or maybe they have not -- the government has then responded to Proskauer saying: We don't believe the stay should be lifted. These are the reasons why, and you should share this with the arbitrator. Proskauer in turn -- and I'm not involved in this process at all, even though I'm representing myself in the civil matter -- Proskauer in turn on June 22 sends a letter to the American Arbitration Association with the statement that the Department of Justice wants to talk to the arbitrator before he's inclined to lift the stay, if he's inclined to lift the stay.

So I guess my question to all of that is since I was not involved in Proskauer's discussion with the Department of Justice in terms of how they positioned it, what they said, then the Department of Justice's decision that they wanted to intervene and then using Proskauer as the agent to intervene and now an official communication was sent to the American Arbitration Association, can I get discovery on the conversation between Proskauer and the Department of Justice on that?

THE COURT: So what I need to do -- I can't sort of rule on the fly here, especially since I haven't heard from the government, but in general -- and I did see a couple of letters, I think they were letters, just today that had been attached to the most recent filings or submissions here, and they dealt with the arbitration and the stay in the

arbitration. And in general, the arbitration is in the realm of the arbitrator. It's the arbitrator who has jurisdiction over that. I don't have jurisdiction over that. And if the arbitrator wants to stay the arbitration for whatever reason the arbitrator thinks is a good idea, that is between the parties and the arbitrator and has nothing to do with me. And I wouldn't get involved in that, just so you understand that.

THE DEFENDANT: OK.

THE COURT: OK. So I want to be sure I just -- to pick up where we were, I went through a whole laundry list of things that you would have to do at trial, and frankly, people spend years learning those skills. You have a lot at stake here. I just want to make sure that you understand that if you represented yourself, that it would be your responsibility to do all of those things.

Do you understand that?

THE DEFENDANT: Yes, I do, your Honor.

THE COURT: And, again, one of the things I would ask you to think about is whether you would consider -- I understand that there's been a breakdown in the relationship with Federal Defenders, but if you would consider having a different attorney, such as Mr. Cecutti -- who I'm afraid we may be detaining from other obligations. Mr. Cecutti, jump in if you're supposed to be in another courtroom right now -- but I would just ask you to consider having somebody who's an

experienced trial lawyer represent you in this trial where there's a lot at stake and a lot of challenging work to be done.

THE DEFENDANT: Yeah. I mean, I have to say, as we've been going through this conversation, my biggest concern is that -- is basically if I cannot get access to disclosures I need, then I will have a really difficult time with this case. And as I've said in my letters, I'm really concerned that the Department of Justice reached into the civil case when I -- when there's a criminal case going on. I don't know what would have motivated them to actually -- if they actually did that. And if the fact is I can never find out, then that's -- that is a problem, I guess, that I'm going to have to start dealing with is that they can do these things, and there's no way to -- they can influence processes, and there's no way to understand, even though you have a right -- because I think them entering into the civil and it is a criminal -- it is a criminal case that they're doing it from, they should be willing to freely -- and I could ask Ms. Colson while she's on the phone -- to disclose her communications with Proskauer on that issue or just to say that they had no communications with Proskauer. I think that's a fair question.

THE COURT: But, Mr. Dennis, that's not what we're -- that's not what we're here for. What I'm trying to do is figure out if you understand what you're taking on if you

decide to represent yourself, and I want to make sure that once you do understand that, that that is really how you want to proceed rather than having another different lawyer appointed to represent you. That's where I'm going. So let me pick up again where I was.

If you represent yourself, you'll be expected to abide by the Court's trial schedule. I think you know that trial is scheduled to begin with jury selection on September 28, with first pretrial submissions, meaning those motions I mentioned, on August 12. And you would be responsible for that.

Do you understand that?

THE DEFENDANT: Yes, I do, your Honor.

THE COURT: OK. I think you also understand that the right of self-representation -- and I say this because I always say it in this circumstance, not because I doubt you -- but self-representation is not a license to abuse the dignity of the courtroom. So you would have to comport yourself professionally.

You understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: All right. Do you also understand that even if you are representing yourself, I may terminate that representation if I found that you deliberately engaged in some serious and obstructionist misconduct?

THE DEFENDANT: Your Honor, I will not do that, and I

understand.

THE COURT: All right. Good. Do you also understand that a lawyer may have better and easier access to legal research materials and potential witnesses who could help with your defense, particularly since your bail conditions restrict your travel and also prohibit your contact with certain people?

THE DEFENDANT: Yes. Yes, your Honor, I understand.

THE COURT: Then do you also understand that even if you had standby counsel, in other words, a lawyer like Mr. Cecutti to behind the scenes advise you, that he or any other standby counsel would not be entitled to speak to the jury or appear in front of the jury or speak to the Court? That would just be sort of a private advisory relationship.

Do you understand that?

THE DEFENDANT: Yes, I do, your Honor.

THE COURT: OK. Then do you also understand -- and this is a very important aspect that sometimes *pro se* litigants aren't entirely clear on -- that if you wanted to tell the jury your version of the events in your own words, that the only way that you could do that would be to take the witness stand and testify under oath and subject yourself to cross-examination? You couldn't just get up in argument at the beginning or the end of the trial and tell your side of the facts.

Do you understand that?

THE DEFENDANT: I absolutely understand the truth

behind my story, uh-huh.

THE COURT: OK. But, again, what I want to make sure you understand is that you can't tell that story even if you represent yourself unless you take the witness stand, swear to tell the truth under oath, and subject yourself to cross-examination.

THE DEFENDANT: Uh-huh, yes.

THE COURT: Is that clear?

THE DEFENDANT: Yes. Yes, your Honor.

THE COURT: OK. And because this is such an important point, I'm just going to elaborate a little bit.

So I will tell the jury, I always tell the jury, in fact, that opening statements, closing arguments, questions put to the witnesses are not evidence, and their verdict has to be based on the evidence. So you shouldn't expect that you would be able to make factual statements to the jury unless they were separately established by evidence, such as your taking the stand under oath.

Is that clear?

THE DEFENDANT: Yes, your Honor.

THE COURT: All right. And that if you did try to make statements during the course of argument, I may well be forced to instruct the jury to disregard what you said.

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: You should also understand that if you act as your own attorney, a jury could draw inferences about you as a person, about what you did in the case, about what you know about the case in a way they would not be able to do if there were an intermediary between you and them, such as an attorney representing you.

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you also understand that even if you chose not to testify, the rights you have as a criminal defendant not to incriminate yourself could be undermined because the jury may draw impressions about you based on how you conduct yourself or how you conduct the defense at trial?

Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Also do you understand that if you decided at some point to discuss a possible plea agreement with the government, a criminal defense attorney likely would be better able to do that than you in your position as a defendant?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you also understand that if you represent yourself at trial and you were convicted, you would not be able to argue on appeal that the conviction resulted from inadequate representation because there wouldn't have been any representation?

Is that understood?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you also understand that once you've waived your Sixth Amendment right to counsel, you may not simply demand to have counsel reinstated at some point later? I would, of course, consider any request you make for counsel, but after you elect to represent yourself, you can't try to get an advantage or delay the trial by first waiving counsel and then asking for counsel.

Is that clear?

THE DEFENDANT: Yeah, almost. Let me ask a couple questions along those lines.

THE COURT: OK.

THE DEFENDANT: I think that -- well, I want to hear more about the parameters in terms of -- as I've sort of indicated on this call and as I think about it, in the case before the District Attorney of the city of New York, we got to the point where no one would turn over any disclosure, and that's why the case did not proceed forward, because the same sort of disclosure that Mr. Kelly asked for and that I've asked for since May was never forthcoming.

But in the event that I actually do get disclosure and it turns out that I review the disclosure and it's things that I didn't anticipate, what is the -- what is my ability to come to the Court and say -- and say I want -- I want a retained

counsel? And it doesn't have to be appointed counsel; it could be someone I retain myself. I could do that at any time, is that right?

THE COURT: You could. At any time if you want to retain your own counsel, you can do that.

THE DEFENDANT: OK. OK. OK.

THE COURT: But my advice to you is if you're thinking that you're going to do that, the sooner the better, because anybody you retain, even if it's the people who represented you in front of the state, they will be bound by whatever you do. So the sooner the better is all I could say.

THE DEFENDANT: Yeah. I'm sort of weighing against how soon am I going to get the answers to the questions that Mr. Kelly -- I mean, it's not like I'm thinking infinitely. How soon --

THE COURT: Wait. Remember what Mr. Kelly said. Mr. Kelly said he got the questions from you, but that before submitting them to the government, you interposed your directive that they weren't to act on your behalf anymore and that you would represent yourself. So the government got the questions from you. They did not get them from Mr. Kelly.

THE DEFENDANT: Well, to really be more clear, and I didn't -- Mr. Kelly actually sent me an email saying he had sent them to the government already, and so -- and so my questions were -- and this is what I put in my emails --

additional questions to the ones that the government should have received from Mr. Kelly. And I --

THE COURT: So let's do this. We're not here to adjudicate that, and I also really don't want to get into recriminations about what may have transpired. Nor do I want you to waive the attorney-client privilege.

But what I will do is I will ask, Ms. Colson, if you could respond by a week from today, and if that ends up not being enough time, then just ask for more time. But time's passing here, so I'd like to keep things moving. If you could respond by a week from today explaining to the Court where we stand with respect to Mr. Dennis's questions. OK?

MS. COLSON: Understood, your Honor. I'll just reiterate what Mr. Kelly helpfully stated. Apologies for being new. There is nothing left, as we see it, for Mr. Dennis to receive under Rule 16.

THE COURT: I understand. But I think it would help Mr. Dennis, who I think is frustrated and also doesn't fully understand the process, to know why these specific questions are not answered or the materials aren't provided as part of the government's Rule 16 discovery. And I understand that's not normally a burden that's imposed on you. My apologies for that, but I actually think that it's the more efficient way and will lead to less consternation on everyone's part if we just proceed if that way. OK?

MS. COLSON: That's probably easiest. You're right, your Honor. Thank you.

THE COURT: OK. Thank you.

So, Mr. Dennis, I want to conclude this area of my questioning of you. I just want to make sure that you understand the challenges and risks you'd be taking on if you chose to represent yourself, and if you have any questions about that remaining, please ask them now.

THE DEFENDANT: I think, your Honor, you've been very patient, thoughtful in laying out the different challenges that I face, and I don't have any other questions at this point.

THE COURT: OK. So the next thing I want to confirm is that your request to waive your right to counsel is voluntary, so I'll just ask that direct question.

Is this a voluntary request that you're making?

THE DEFENDANT: Yes, it is, your Honor.

THE COURT: Has anyone threatened you or coerced you or tried to force you to proceed to trial without a lawyer?

THE DEFENDANT: No, your Honor.

THE COURT: And has anyone promised you any benefit or tried to induce you in some way to waive your right to a lawyer?

THE DEFENDANT: No, your Honor.

THE COURT: And if you think you would like a little longer to think about this, I can give you that time. We could

reconvene in a couple of days so you have a chance to reconsider if you would like to, in light of all that's transpired.

THE DEFENDANT: No, your Honor, I'd like to proceed forward.

THE COURT: OK. And I will share with you my view. I think perhaps it's been clear, but I'll share it with you now anyway. And that is my view is that if you do decide to represent yourself, I think that is an unwise decision. I think your interests at trial would be much better served if you had an experienced trial lawyer, one who doesn't directly have their own future and well-being at stake in the trial.

Understood?

THE DEFENDANT: Understood, your Honor.

THE COURT: So given everything I've told you about the penalties you face, the risks and challenges of waiving your right to counsel, is it still your wish to represent yourself in this case, including at trial?

THE DEFENDANT: Yes, your Honor.

THE COURT: And is it your wish to begin doing that immediately, as opposed to at some later point?

THE DEFENDANT: Immediately, your Honor.

THE COURT: All right. So based on my discussions today with Mr. Dennis, my observations of his demeanor, I find that he is competent, and he has waived his Sixth Amendment

right to counsel, and that his waiver is knowing and voluntary.

So with that, Federal Defenders and Mr. Kelly are relieved as counsel. And, first, I just want to talk to Mr. Kelly about all the materials that you have. Have you been able to provide them to Mr. Dennis, or is that still in the works? What's the status of that?

MR. KELLY: Yes, your Honor. Mr. Dennis has external hard drives of all the government's productions, and in his recent request to our office, we've provided him with copies of all of our communications with the government and with the Proskauer firm. So as of today's date, he has everything from the case file except for those, as I mentioned, three attorneys' eyes only documents.

THE COURT: OK. Thank you. That's helpful.

THE DEFENDANT: And, your Honor, just to comment, I'm still reviewing the files that were sent to me, so I can't confirm that I have everything that his been -- that -- from their offices as of yet. So I want that just to be on the record.

THE COURT: Sure. I understand. Mr. Kelly has represented that he's turned over everything, but, obviously, you should review it to see if it appears that anything's missing.

THE DEFENDANT: There are one or two things, and I'm -- that I believe are missing, and I'll be able to document

that.

THE COURT: What I would ask you to do is if you think there are some things that are missing, just work directly with Mr. Kelly about that, and if there is some issue or problem, you can come to me. But I would just urge you to try to work things out with Mr. Kelly first, and I can assure you, just based on prior dealing, that I am sure Mr. Kelly will act in good faith and will certainly not make any misrepresentations to the Court. So try that avenue first. If there's a problem, then come to me.

THE DEFENDANT: OK, your Honor.

THE COURT: So now I want to turn to the issue of standby counsel.

As I mentioned before, sometimes in cases like this a defendant like yourself will request to have standby counsel appointed to assist them. The role of that person -- and that would be Mr. Cecutti in this case -- the role of that person would be to be available for your questions or to advise you if you ask for advice. Basically, it's a resource there for you. That person would not speak to the jury. They would not represent you. They would not speak to me on your behalf. They would not write letters on your behalf. It's basically just an advisory relationship, and it's Mr. Cecutti because he -- the CJA lawyers from that panel have days when they're assigned essentially to be on call. This is Mr. Cecutti's day,

and so that's why he's the person here. The people on the panel are reappointed every year based on their performance in the prior year and a vetting process by the Court.

So the question is would you like Mr. Cecutti appointed to act as standby counsel for you as a resource?

THE DEFENDANT: Yes, your Honor, I would.

THE COURT: OK. So, Mr. Cecutti, consider yourself so appointed, and you can speak to Mr. Dennis and figure out what his needs and requests are.

If at any point, Mr. Dennis, you decide that you want an appointed lawyer to represent you and you qualify still to have an appointed lawyer, Mr. Cecutti would be available and the person to do that.

Is that understood?

THE DEFENDANT: Yes, your Honor.

THE COURT: All right. So what I want to talk about next are dates. I think you're familiar with the schedule, but the trial is scheduled to begin September 28 with jury selection. Any motions *in limine*, and that is motions to exclude or permit particular evidence, are due August 12. So that means you and the government both have to file any such motions by August 12. Usually, just so you know, they're brief. They're not long tomes of paper. And they usually argue based on the Rules of Evidence that something either should be admitted or excluded. I have a page limit myself of

five pages for each motion and each response. As I said, motions are due August 12. Response is due a week later, August 19.

Then I mentioned before that there are certain things you need to collaborate with the government on in preparing. There are three things:

First, I would like a single document submitted jointly by you and the government that notes just the points of difference. The first document is proposed questions for prospective jurors, and that's called voir dire. Of course, I'll review it and in the end decide what questions should be asked. That's based on what you submit to me.

Second, the second collaborative document are the proposed jury instructions which instruct the jury on the law of the government's accusations, as well as your defenses.

And the third document is a proposed verdict form. Those are due by September 2.

Finally, you'll be expected to attend in person the final pretrial conference which is scheduled for September 19 at 11:00 a.m.

And those should all be in a written document, in a written order, but if for some reason they're not, I'll issue a written order just so it's clear.

Do you have ECF privileges, by the way, Mr. Dennis?

THE DEFENDANT: I do not at this point.

THE COURT: Would you mind getting them just so that we're not dealing with snail mail to get you communications because we can't just email. It's too informal. We have to -- as the Court I have to put things on the docket, and you can access them on the docket.

THE DEFENDANT: OK.

THE COURT: All right. So if you could do that expeditiously, that would be great.

So I know there are various letters that you have written to the Court that have not been filed on the docket. Any communications with the Court have to be filed in the docket, in that way there's no question that the government has seen them. By the same token, Ms. Colson understands that any communications with the Court from her likewise have to go on the docket, and that way you will see them. So everything is completely transparent.

What I'd like you to do is wait for Ms. Colson's letter, which we should have by next week, and then -- I think we've taken care of all the issues with Federal Defenders. If there are any remaining issues that you want to raise with the Court, in other words, by making a motion or an application, if you would do that at that point. And what I would like to do is have any motion business July 12 and any opposition by July 22.

OK. I think that is it. Is there any other issue

that anyone thinks that I need to address?

THE DEFENDANT: Well, one important one I just realized is that this transcript you said -- when would I be able, because I didn't take the notes --

THE COURT: Right.

THE DEFENDANT: How soon and when would I be able to get a copy of this so I could study it in more detail?

THE COURT: That I can't tell you.

Mr. Street, can you help us? Or perhaps I could ask the court reporter.

(Discussion off the record)

MR. CECUTTI: Your Honor, this is Anthony Cecutti.

THE COURT: Yes.

MR. CECUTTI: I've been listening and paying close attention. I'm happy to put in a request for the transcript tonight to assist Mr. Dennis getting a copy of the transcript.

THE COURT: That would be great. Thank you.

All right. Another question I have, and only because it seems to be pressing, perhaps I misunderstood, but there seems to be an issue with Mr. Dennis's phone.

Do you not have your phone, Mr. Dennis?

THE DEFENDANT: No, your Honor, I do not.

THE COURT: I think the government has the contents of the phone. Can you now give the phone back to Mr. Dennis?

MS. COLSON: Your Honor, the phone is still being

reviewed. The contents of the phone are evidence, and so we are not in a position to give them back yet.

THE COURT: I guess what I was wondering is -- I assume the contents of the phone are all on some digital media, and you can keep that and give him his phone back.

MS. COLSON: Your Honor, we view the phone itself as an instrument of the crime.

THE COURT: OK. So what we'll do is this: If you want to make an application for your phone, Mr. Dennis, I'll hear your argument, I'll hear the government's argument, and then I'll rule on it. OK?

MS. COLSON: Your Honor, before we break, I would just ask now that --

THE DEFENDANT: Before you leave the phone issue --

THE COURT: Wait, wait, wait. I'm going to let Ms. Colson, since she started, ask her question, then I'll call on you, Mr. Dennis.

MS. COLSON: Your Honor, mine was on a slightly different topic, so if Mr. Dennis would like to be heard on the phone issue.

THE COURT: OK. You want to be heard on the phone issue?

THE DEFENDANT: Yes. OK. This is -- I think Mr. Kelly's still on. I think he told me they had given him all the discovery off of the phone already.

But besides that, I've only been allowed to have one email account, which is tied to that phone, my old phone. And I'd just like confirmation, and I've been having -- this is going to be in one of my motions. I've been having a lot of issues electronically with my devices -- but I wanted confirmation from the government that no one is able to or has the ability to read my emails on a real-time basis from a technical standpoint.

THE COURT: No, I understand your concern.

Ms. Colson.

MS. COLSON: Your Honor, no one's accessing or using that will phone. We're purely holding it for evidentiary purposes and searching it pursuant to whatever the parameters have been court approved.

THE COURT: OK.

THE DEFENDANT: But, Ms. Colson, can you actually physically do that? Because I've been having issues. So could you -- having that phone, could you read my emails? I'm not saying you did it, but could you -- would you be able to?

THE COURT: Well, I'm not going to preside over a dialogue.

THE DEFENDANT: OK. I'm sorry.

THE COURT: No, that's OK.

So what I'd like you to do is make an application for your phone, or perhaps you can talk to Mr. Cecutti and see if

there's some happy medium or alternative so that you're -- I mean so you're able to function because, frankly, whether you're *pro se* or whether you're represented, if you can't communicate confidentially by email, that seems to me difficult, to say the least.

So make an application, then I can hear arguments from both sides and figure out what the right solution is. OK.

THE DEFENDANT: Would I be able to get Mr. Cecutti's contact information before we hang up?

THE COURT: Mr. Cecutti, are you still there? But you're on mute.

MR. CECUTTI: Yes, I'm here.

THE COURT: What's the easiest way that isn't going to take everybody's time for you to be in touch with Mr. Dennis?

MR. CECUTTI: If I can quickly give him my cell phone number.

THE COURT: Perfect.

THE DEFENDANT: All right.

MR. CECUTTI: Mr. Dennis, my cell phone number is 917.

THE DEFENDANT: OK.

MR. CECUTTI: 741.

THE DEFENDANT: OK.

MR. CECUTTI: 1837.

THE DEFENDANT: OK. Thank you.

MR. CECUTTI: And I'm available tonight to speak if

you would like.

THE DEFENDANT: 917-741-1837.

MR. CECUTTI: Correct.

THE DEFENDANT: Thank you, sir.

THE COURT: Now, Ms. Colson, you had another subject you wanted to raise?

MS. COLSON: We would just ask now that we have the ECF issue squared away, and Mr. Dennis knows how to reach both AUSAs Sarah Kushner and me, that Mr. Dennis communicate only to us when he's looking to communicate with the government rather than the U.S. Attorney himself or people on that level. We think that we can communicate anything that he wishes to be passed on, but it suffices to --

THE COURT: The other thing is it's highly inefficient because it's your job, in the first instance, to deal with whatever comes up in this case. Mr. Dennis, could I ask you to do that.

THE DEFENDANT: Yes, your Honor.

THE COURT: OK. Great. All right. If there's nothing else, I'm going to adjourn this proceeding.

Mr. Dennis, if you could contact the *pro se* office about how to get access to ECF.

THE DEFENDANT: OK.

THE COURT: And also the email address you can use to have your motions filed on ECF.

THE DEFENDANT: OK. I should just call them in the morning? I'll call them in the morning.

THE COURT: I'm not sure you -- that's a good question. Mr. Street -- so here's what I'm going to do. I will get off the phone, and everyone else can as well, or I think the government and Federal Defenders can get off the phone, and then Mr. Street can tell you how to be in touch with the *pro se* office and what to ask them and how to be in touch. OK?

THE DEFENDANT: OK.

THE COURT: All right. This conference is adjourned. Thank you.

THE DEFENDANT: Thank you, your Honor.

(Adjourned)